



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/201,484

11/30/1998

J WILTSE CARPENTER

3382-51386

1596

26119

7590

03/13/2006

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/201,484

Applicant(s)

CARPENTER ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 17, 18 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17, 18 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08) Paper No./Mail Date:
10/20/05, 12/14/05, and 12/19/05

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 17, 18, 25-34 have been considered but are moot in view of the new ground(s) of rejection.

The examiner is relying on a new reference for this rejection and apologizes for any inconvenience to the applicant.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-30 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,023,731 to Chawla.

Regarding claim 25, Chawla teaches receiving control data in RPC (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), which equates to the first video-on-demand application protocol. Chawla teaches translating the receiving data into a video control action of the second application protocol (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), and sending the translated control data to the video server, wherein the system of Chawla has an API (claimed proxy) including means to translate

Art Unit: 2611

between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate, which clearly facilitates integration of non-compatible applications into existing system by providing the translation between components communicating according to two non-compatible applications.

Regarding claim 26, Chawla supports plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation, wherein the proxy while communicating with the first and second applications.

Regarding claim 27, Chawla supports plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation.

Regarding claim 28, Chawla teaches receiving control data in RPC (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), which equates to the first video-on-demand application protocol. Chawla teaches translating the receiving data into a video control action of the second application protocol (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), and sending the translated control data to the video server, wherein the

Art Unit: 2611

system of Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate, which clearly facilitates integration of non-compatible applications into existing system by providing the translation between components communicating according to two non-compatible applications.

Regarding claim 29, Chawla supports a plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation, wherein the proxy while communicating with the first and second applications.

Regarding claim 30, Chawla supports a plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation.

Regarding claim 32, Chawla teaches receiving control data in RPC (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), which equates to the first video-on-demand application protocol, and Chawla teaches assigning a first transmission channel to a first client (col. 6, ll. 39-54), Chawla teaches translating the receiving data

Art Unit: 2611

into a video control action of the second application protocol (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), and sending the translated control data to the video server. Chawla teaches assigning a second transmission channel to a second client in response to a second client (col. 6, ll. 55-67), and using control data of the first application, instructing the video server to transmit the first transmission to the first client, and instructing the video server to transmit the second transmission to the second client (col. 6, ll. 39-67), and using control of the second protocol, instructing the client to received video on the respective channels (col. 6, ll. 50-54, see also: col. 2-3, ll. 51-16, col. 4, ll. 35-59, col. 5, ll. 33-42, fig. 2,3, label 104, fig. 7, label 520).

Chawla supports a plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation, wherein the proxy while communicating with the first and second applications.

Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate, which clearly facilitates integration of non-

Art Unit: 2611

compatible applications into existing system by providing the translation between components communicating according to two non-compatible applications.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,023,731 to Chawla in view of U.S. Patent 5,898,387 to Davis et al. (Davis) and U.S. Patent 5,799,017 to Gupta et al. (Gupta).

Regarding claim 1, Chawla teaches a video system using both remote procedure calls (RPC) (col. 4, ll. 49-52) and Media Stream Manager (MSM) protocols (col. 4, ll. 53-59), which are different, non-compatible video-on-demand applications. Chawla teaches a video-on-demand server (col. 2-3, ll. 51-16, fig. 2, label 104, fig. 7, label 520) and a client (col. 5, ll. 33-42).

Chawla teaches an the media server executing an CM and MSM protocols on the server, which has control data communicated to control the video on demand application (col. 4, ll. 35-52, fig. 3), wherein the client employs RPC protocol comprising control commands (such as play, fast forward, etc) which is a

Art Unit: 2611

second application control protocol to control the on-demand application (col. 4, ll. 35-52), wherein the MSM and RPC are different and non-compatible protocols. Further, the system of Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate.

Chawla is silent on changing the proxy when the server or client changes protocols. Davis teaches a gateway enclosure that permits changing interface cards in the gateway (claimed proxy) when either the server or client changes protocols (col. 1-2, ll. 65-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chawla by changing the gateway when there is a change in the server or client protocol as taught by Davis in order to enable communication between the server and the client without changing the every server and client.

Chawla is silent on the protocols transmitted according to a same TCP/IP network protocol. Gupta teaches an Internetwork Protocol Engine (IPE) which uses TCP/IP (col. 2, ll. 7-10), which converts packets for Video-on-demand (col. 10, ll. 14-17, col. 30, ll. 14-19, col. 31-32, ll. 59-3) and translates messages of different protocols for the benefit of seamless integration of different services and different protocols throughout a system (col. 7, ll. 34-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chawla by converting packets transmitted according to the same TCP/IP protocol as taught by Gupta in order to benefit of seamless integration of different services and different protocols throughout a system (col. 7, ll. 34-46).

Regarding claim 2, Chawla teaches an API, which clearly is executed by a processor, which reads on a means for translating, but is silent on using the same proxy used in different server/client environments. Davis teaches a gateway that is used in a variety of different environments simultaneously (i.e. broadband, LLEO, VHF/Telephony, radio, CEBus, PLC, etc.) (col. 2, ll. 38-45; col. 2, ll. 7-9).

Regarding claim 3, the combination of Chawla, Davis, and Gupta clearly includes means for ameliorating aberrant behavior in at least one of said server or client, in that the devices are insulated from receiving commands that cannot be processed (col. 4, ll. 53-59).

Regarding claim 4, the combination of Chawla, Davis, and Gupta clearly includes means for detecting a predetermined input communication in an input application control protocol, and issuing an output communication that does not exactly correspond to the input communication in that the data by the mere fact there exists a translation to convert the protocols (col. 4, ll. 53-59).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,023,731 to Chawla in view of U.S. Patent 5,898,387 to Davis et al. (Davis).

Regarding claim 17, Chawla teaches assigning a first transmission channel to a first client (col. 6, ll. 39-54), and assigning a second transmission channel to a second client (col. 6, ll. 55-67), and using control data of the first application, instructing the video server to transmit the first transmission to the first client, and instructing the video server to transmit the second transmission to the second client (col. 6, ll. 39-67), and using control of the second protocol, instructing the client to received video on the respective channels (col. 6, ll. 50-54, see also: col. 2-3, ll. 51-16, col. 4, ll. 35-59, col. 5, ll. 33-42, fig. 2,3, label 104, fig. 7, label 520).

Further, the system of Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate.

Chawla is silent on changing the proxy when the server or client changes protocols. Davis teaches a gateway enclosure that permits changing interface cards in the gateway (claimed proxy) when either the server or client changes protocols (col. 1-2, ll. 65-9). Therefore, it would have been obvious to one of

Art Unit: 2611

ordinary skill in the art at the time the invention was made to modify Chawla by changing the gateway when there is a change in the server or client protocol as taught by Davis in order to enable communication between the server and the client without changing the every server and client.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,023,731 to Chawla and U.S. Patent 5,898,387 to Davis et al. (Davis) in view of U.S. Patent 5,729,280 to Inoue et al. (Inoue).

Regarding claim 18, Chawla teaches assigning channels to the user (col. 6-7, ll. 55-7), but is silent on reassigning a user to a different channel in the middle of an on-demand video. Inoue teaches changing to a different channel during an on-demand video (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chawla by changing to a different channel during an on-demand video as taught by Inoue in order to conserve resources and provide a set of services to more users.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,023,731 to Chawla in view of U.S. Patent 5,799,017 to Gupta et al. (Gupta)

Regarding claim 31, Chawla teaches receiving control data in RPC (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), which equates to the first video-on-demand application protocol, and Chawla teaches assigning a first transmission channel

Art Unit: 2611

to a first client (col. 6, ll. 39-54), Chawla teaches translating the receiving data into a video control action of the second application protocol (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), and sending the translated control data to the video server. Chawla teaches assigning a second transmission channel to a second client in response to a second client (col. 6, ll. 55-67), and using control data of the first application, instructing the video server to transmit the first transmission to the first client, and instructing the video server to transmit the second transmission to the second client (col. 6, ll. 39-67), and using control of the second protocol, instructing the client to received video on the respective channels (col. 6, ll. 50-54, see also: col. 2-3, ll. 51-16, col. 4, ll. 35-59, col. 5, ll. 33-42, fig. 2,3, label 104, fig. 7, label 520).

Chawla supports a plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation, wherein the proxy while communicating with the first and second applications.

Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate, which clearly facilitates integration of non-

Art Unit: 2611

compatible applications into existing system by providing the translation between components communicating according to two non-compatible applications.

Chawla is silent on the protocols transmitted according to a same network protocol. Gupta teaches an Internetwork Protocol Engine (IPE) which uses TCP/IP (col. 2, ll. 7-10), which converts packets for Video-on-demand (col. 10, ll. 14-17, col. 30, ll. 14-19, col. 31-32, ll. 59-3) and translates messages of different protocols for the benefit of seamless integration of different services and different protocols throughout a system (col. 7, ll. 34-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chawla by converting packets transmitted according to the same network protocol as taught by Gupta in order to benefit of seamless integration of different services and different protocols throughout a system (col. 7, ll. 34-46).

9. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,023,731 to Chawla.

Regarding claim 33, Chawla teaches receiving control data in RPC (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), which equates to the first video-on-demand application protocol, and Chawla teaches assigning a first transmission channel to a first client (col. 6, ll. 39-54), Chawla teaches translating the receiving data into a video control action of the second application protocol (col. 4, ll. 35-52, fig. 3, col. 6, ll. 39-54), and sending the translated control data to the video server. Chawla teaches assigning a second transmission channel to a second client in

Art Unit: 2611

response to a second client (col. 6, ll. 55-67), and using control data of the first application, instructing the video server to transmit the first transmission to the first client, and instructing the video server to transmit the second transmission to the second client (col. 6, ll. 39-67), and using control of the second protocol, instructing the client to received video on the respective channels (col. 6, ll. 50-54, see also: col. 2-3, ll. 51-16, col. 4, ll. 35-59, col. 5, ll. 33-42, fig. 2,3, label 104, fig. 7, label 520).

Chawla supports a plural clients (col. 6-7, ll. 39-7), and recognizes that the API does not necessarily have to use RPC in that the system directly communicates through the MSMC API (fig. 4, col. 4, ll. 53-59), which equates to receiving control actions from a second client, and sending to the headend the actions without translation, wherein the proxy while communicating with the first and second applications.

Chawla has an API (claimed proxy) including means to translate between the first and second protocols, wherein the translating comprises translating control data compatible with the first application but non-compatible with the second application into a second application but not compatible with the first application (col. 4, ll. 47-59, fig. 4), wherein in the system of Chawla the client and server can communicate, which clearly facilitates integration of non-compatible applications into existing system by providing the translation between components communicating according to two non-compatible applications.

Chawla is silent on plural servers, Official Notice is taken that plural servers are well known in the art. Therefore, it would have been obvious to one

Art Unit: 2611

of ordinary skill in the art at the time the invention was made to modify Chawla by using plural servers in order to expand and increase capacity to provide services to more clients.

Regarding claim 34, Chawla is silent on any of: Seachange, Vivid, or Netshow Theater. Official Notice is taken that the use of any of Seachange, Vivid, or Netshow Theater is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chawla by using any of Seachange, Vivid, or Netshow Theater in order to integrate the API of Chawla for different environments, thereby increasing the mobility of the product to be used in different markets.

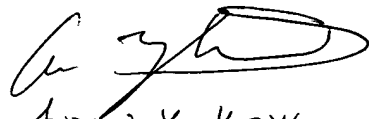
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew Y Koenig
ayk
2611